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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

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21 EPIC GAMES, INC.,
22 Plaintiff, Counter-defendant,
23 v.
24 APPLE INC.,
25 Defendant, Counterclaimant.
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Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF SAMUEL A.
STUCKEY IN SUPPORT OF EPIC
GAMES, INC.'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
ITS OPPOSITION TO APPLE
INC.'S MOTION TO STRIKE
WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I.
CRAGG**

The Honorable Yvonne Gonzalez Rogers

1 I, Samuel A. Stuckey, declare as follows:

2 1. I am an attorney licensed to practice in the State of New York and admitted to
3 appear before this Court *pro hac vice* in *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-
4 05640-YGR-TSH. I am an associate at the law firm of Cravath, Swaine & Moore LLP and am
5 one of the attorneys representing Epic Games, Inc. (“Epic”) in the above-captioned action.

6 2. I submit this declaration pursuant to Civil Local Rules 7-11(a) and 79-5(d)-(e) in
7 support of Epic’s Administrative Motion to Seal Portions of Its Opposition to Apple Inc.’s
8 Motion to Strike Written and Oral Testimony of Dr. Michael I. Cragg (the “Opposition”). The
9 contents of this declaration are based on my personal knowledge.

10 3. Epic moves to seal portions of the Opposition containing information that non-
11 party Spotify USA Inc. (“Spotify”) has designated as “SPOTIFY HIGHLY CONFIDENTIAL –
12 OUTSIDE COUNSEL EYES ONLY” under the protective order entered in *Epic Games, Inc. v.*
13 *Apple Inc.*, No. 20-cv-05640-YGR-TSH, ECF No. 334 (specifically, PX-1153, bearing Bates
14 range SPOT-EPIC-00001023-1025, which is subject to a pending motion to seal by Spotify
15 (*see* ECF No. 649)), and portions of the Opposition discussing trial testimony provided by
16 Dr. Cragg during a closed session of Court on May 13, 2021 (Trial Tr. 2335:1-2346:15), during
17 which Dr. Cragg referenced materials that Spotify also has designated as “SPOTIFY HIGHLY
18 CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” (specifically, PX-1153, bearing
19 Bates range SPOT-EPIC-00001023-1025, which, as noted, is subject to a pending motion to
20 seal by Spotify (*see* ECF No. 649), and the document bearing Bates range SPOT-EPIC-
21 00001047-1066, which is also subject to a pending motion to seal by Spotify (*see* ECF
22 No. 692)).

23 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
24 true and correct and that I executed this declaration on May 17, 2021, in Manhattan, New York.

25
26
27 /s/ Samuel A. Stuckey

28 Samuel A. Stuckey

FILING ATTESTATION

I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

/s/ Yonatan Even

Yonatan Even